

GEOFFREY A. HANSEN
Acting Federal Public Defender
ELIZABETH M. FALK
Assistant Federal Public Defender
19th Floor Federal Building
450 Golden Gate Avenue
San Francisco, CA 94102
(415) 436-7700

Counsel for Defendant JOHN LIN

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROY LIN AND JOHN LIN,

Defendants.

No. CR 12-217 WHA

**STIPULATION AND ~~PROPOSED~~
ORDER MODIFYING BRIEFING
SCHEDULE ON DEFENDANTS'
PRETRIAL MOTIONS**

Date: November 20, 2012
Court: The Honorable William H.
Alsup

The parties hereby stipulate and agree as follows:

1. This matter is currently set for a hearing on Defendants' Motion to Suppress, Motion to Strike, and Motion for a Bill of Particulars on November 20, 2012 at 2:00 p.m. before the Honorable William H. Alsup;
2. The parties continue to be actively engaged in settlement discussions, with offers and counteroffers having been exchanged. As the defendants are green card holders, defense counsel need additional time to pass prospective plea agreements to outside-hired immigration attorneys to ensure that defense counsel each meets his or her obligation to advise his or her client of the immigration-related consequences of the defendants' pleas, pursuant to *Padilla v. Kentucky*, 130 S. Ct.

1473 (2010). This additional consultation is the reason for the requested continuance, and the defendants are requesting a two week continuance for this purpose;

3. According, to ensure the interests of justice and judicial efficiency, and to further advance plea negotiations, defendants request the following two week modification to the briefing schedule:

Motions Filed: September 18/19, 2012;

Responses Due: November 6, 2012;

Replies Due: November 20, 2012

HEARING DATE: December 4¹¹, 2012 at 2:00 p.m.

The parties further stipulate that because motions are currently filed and pending before the Court, time is automatically excluded under the Speedy Trial Act.

4. The parties further stipulate that if a final global disposition is reached prior to the December 4¹¹, 2012 hearing, the parties will so inform the Court and request that the Court convert the motions hearing date to a change of plea date.

IT IS SO STIPULATED.

Dated: October 16, 2012

/S/
ELIZABETH M. FALK
ASSISTANT FEDERAL PUBLIC DEFENDER
COUNSEL FOR JOHN LIN

Dated: October 16, 2012

/S/
PATRICK ROBBINS
COUNSEL FOR ROY LIN

Dated: October 16, 2012

/S/
KYLE WALDINGER/HALLIE HOFFMAN
Assistant United States Attorneys

~~PROPOSED~~ ORDER

For the reasons set forth above, and based on counsel's representation as to the reason for the requested continuance, the briefing schedule on Defendants' Motion for A Bill of Particulars, Motion to Suppress, and Motion to Strike is hereby MODIFIED as stated in this stipulation. The hearing date of November 20, 2012 shall be VACATED and a new motions hearing date is hereby set of ¹¹~~December 4~~, 2012 at 2:00 p.m. The parties are on notice that no further extensions will be granted.

IT IS SO ORDERED.

DATED: October 17, 2012.

